

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,
Plaintiff,
v.
KUNAL BANSAL, an individual, d/b/a
LAVICHEATS.COM; and DOES 1-30,
inclusive,
Defendants.

Case No. 2:21-cv-1111-TSZ

PROOF OF SERVICE PURSUANT TO
ORDER GRANTING PLAINTIFF BUNGIE,
INC.'S *EX PARTE* MOTION FOR
ALTERNATIVE SERVICE (DKT. 10)

I, Stacia N. Lay, declare and state as follows:

1. I am an attorney at Focal PLLC and represent Plaintiff Bungie, Inc. in this action. I am over 18 years of age. I make this declaration based upon personal knowledge, unless otherwise stated, in which case I believe the information to be true.

2. On September 22, 2021, the Court granted Plaintiff's Motion for Alternative Service (Dkt. 7), authorizing Bungie to serve Defendant Kunal Bansal with the Summons and Complaint by (a) sending copies to the email address kunalbansal922@gmail.com, and (b) posting a link to the Summons and Complaint in the "MediaSection" public discussion forum on the Lavicheats website, lavicheats.com. (*See* Dkt. 10 at 8 (the "Order").)

3. Pursuant to the Order, on September 23, 2021, I sent an email to Defendant Kunal Bansal at the email address kunalbansal922@gmail.com attaching (a) the Summons, (b) the Complaint, and (c) a copy of the Court's Order. Attached hereto as **Exhibit 1** is a true and

1 correct copy of the email, with attachments, I sent to Defendant Kunal Bansal on September 23,
2 2021.

3 4. As of the filing of this declaration, I have received no “bounce-back” or other
4 indication that the email sent to Defendant Kunal Bansal at the email address
5 kunalbansal922@gmail.com on September 23, 2021, was undeliverable.

6 5. Further pursuant to the Order, on September 23, 2021, I provided a link to (a) the
7 Summons, (b) the Complaint, and (c) a copy of the Court’s Order, in a post submitted to the
8 “MediaSection” public discussion forum on the Lavicheats website, lavicheats.com. Attached
9 hereto as Exhibit 2 is a true and correct copy of the content of the post I submitted on
10 September 23, 2021 to the “MediaSection” public discussion forum on the Lavicheats website
11 using the “Start new topic” button available in the forum.

12 6. Upon submitting the post by selecting the “Submit Topic” button as shown in
13 Exhibit 2, I received a notice thanking me for my submission, thereby indicating that the
14 submission was successful. Attached hereto as Exhibit 3 is a true and correct copy of a
15 screenshot of the notice of my successful submission that I captured from the Lavicheats website
16 on September 23, 2021.

17 7. The notice shown in Exhibit 3 also stated that the content would not be seen by
18 “other members” of the Lavicheats website unless I registered and created an account with the
19 website, including agreeing to the Lavicheats Terms of Use. I did not take the additional step of
20 registering an account with the Lavicheats website (and agreeing to be bound by the Lavicheats
21 Terms of Use) as it is my understanding that the post was successfully submitted to the website.
22 Further, based on Bungie’s investigation, Defendant Kunal Bansal, aka “Lavi”, is believed to be
23 a, if not the, administrator of the website (*see* Dkt. 9 at ¶ 3, Ex. 1) and therefore is likely to
24 receive notice of content submitted to the Lavicheats website.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct to the best of my knowledge.

3 Executed this 23rd day of September, 2021, at Seattle, Washington.

4 FOCAL PLLC

5 By: s/ Stacia N. Lay

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